

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Delmas Carlyle Gause

Docket No. 7:02-CR-138-1

Petition for Action on Supervised Release

COMES NOW Chip Williams, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Delmas Carlyle Gause, who, upon an earlier plea of guilty to Possess With Intent to Distribute at Least 5 Grams of Cocaine Base (Crack) in violation of 21 U.S.C. § 841(a)(1) and Possession of a Firearm by a Convicted Felon in violation of 18 U.S.C. § 924(a)(2), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 15, 2003, to the custody of the Bureau of Prisons for a term of 136 months. On October 4, 2008, pursuant to 18 U.S.C. § 3582(c)(2), the term of imprisonment was reduced to 112 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 48 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Delmas Carlyle Gause was released from custody on February 4, 2011, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 4, 2011, the defendant submitted a urine sample which tested positive for cocaine. On April 19, 2011, the defendant submitted a urine sample which also tested positive for cocaine. The defendant has been referred to, and is participating in, substance abuse treatment. The frequency of drug testing has been increased. It is recommended the violations be addressed by the imposition of a five (5) day jail sanction and the addition of the DROPS condition. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall serve five (5) days in the custody of the Bureau of Prisons as arranged by the probation officer.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the third use level.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ Chip Williams
Chip Williams
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: May 5, 2011

ORDER OF COURT

Considered and ordered this 6th day of May, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge